

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PERRY HARRINGTON,

Petitioner,

v.

CIOLLI,

Respondent.

Case No. 1:21-cv-00658-SAB-HC

ORDER DENYING PETITIONER'S
MOTION FOR APPOINTMENT OF
COUNSEL

(ECF No. 4)

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner has moved for appointment of counsel. (ECF No. 4). There currently exists no absolute right to appointment of counsel in habeas proceedings. See, e.g., Chaney v. Lewis, 801 F.2d 1191, 1196 (9th Cir. 1986); Anderson v. Heinze, 258 F.2d 479, 481 (9th Cir. 1958). However, the Criminal Justice Act authorizes the appointment of counsel at any stage of the proceeding for financially eligible persons if “the interests of justice so require.” 18 U.S.C. § 3006A(a)(2)(B). To determine whether to appoint counsel, the “court must evaluate the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims pro se in light of the complexity of the legal issues involved.” Weygandt v. Look, 718 F.2d 952, 954 (9th Cir. 1983).

Petitioner argues that counsel should be appointed because he is untrained in the law, the issues raised in the petition are highly complex, and he has limited access to the law library.

1 (ECF No. 4). Upon review of the petition and the instant motion for appointment of counsel, the
2 Court finds that Petitioner appears to have a sufficient grasp of his claims and the legal issues
3 involved and that he is able to articulate those claims adequately. The legal issues involved are
4 not extremely complex, and Petitioner does not demonstrate a likelihood of success on the merits
5 such that the interests of justice require the appointment of counsel at the present time.

6 If, upon review of Respondent's response to the petition, the Court finds that the legal
7 issues are more complex than they appear currently, the Court may revisit Petitioner's request for
8 counsel.

9 Accordingly, IT IS HEREBY ORDERED that Petitioner's motion for appointment of
10 counsel (ECF No. 4) is DENIED without prejudice.

11 IT IS SO ORDERED.

12 Dated: April 27, 2021

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15 UNITED STATES MAGISTRATE JUDGE
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